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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,764	12/30/2000	Anurag Nigam	4906.P014	5069

8791	7590	08/05/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER
JONES, PRENELL P

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 December 2000</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-6,12-14,19-24</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) <u>7-11,15-18 and 25-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 December 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Election/Restrictions

Detailed Action

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-3, 19-21, drawn concatenating packet data into a TDM SONET

signal, classified in class 398, subclass 49, 72, 95, 98 and 99.

II.   Claims 4-6, 12-14, 22-24, drawn concatenating packet data into a TDM

SONET signal and determining that a number of packets are being

transmitted to a first location that can not extract the number of packets

from any of the number of SONET frames in the first TDM SONET signal

classified in class 370, subclass 395, 225, 466, 473, 492.

III.   Claims 7-11, 15-18, 25-27, drawn determine packet boundaries of packets

in buffers of a TDM SONET system, classified in class 370 and subclass

412, 429, 503.

2.   The inventions are distinct, each from the other because of the following reasons:

Because these inventions are distinct for the reasons given above and the

search required for Group I is not required for Group II and Group III, restriction for

examination purposes as indicated is proper.

3.   During a telephone conversation with Daniel M. DeVos on July 15, 2004 a

provisional election was made without traverse to prosecute the invention of Group III,

claims 7-11, 15-18 and 25-27. Affirmation of this election must be made by Applicant in replying to this Office action. Claims 1-6, 12-14 and 19-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 1-6, 12-14 and 19-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claims 7, 9-11, 15, 17, 25 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sandstrom in view of, De Moer et al and Bianchini et al.

Regarding claims 7, 9, 15, 17, 25 and 27, Sandstrom discloses (Abstract, col. 2, line 31

thru col. 4, line 67) dynamic adjustment of capacity with respect to TDM SDH/SONET

connections wherein the architecture includes SONET rings, (col. 5, line 50 thru col. 6,

line 68) communicating SONET frames, packet source buffers for different traffic priority

classes, concatenated packets/payloads, (col. 7, line 43-64) packet length (boundary)

corresponding to SONET frame is provided. Sandstrom is silent on placing portions of

packets in memory/buffers. In analogous art, De Moer discloses (Abstract, col. 3, line

34 thru col. 5, line 27) data transmission in a TDM SONET optical ring system,

concatenated data is associated with size of data blocks wherein the architecture (col.

9, line 21-54, col. 13, line 10-50) includes portions of data blocks/packets/payloads are

transmitted and stored in memory/buffer, portions of data are marked for transmission

and Bianchini discloses a switching network used for switching packet data whereby

(Abstract, col. 6, line 45 thru col. 8, line 35) the architecture includes APS (automatic

protection switching) a SONET/SDH redundancy standard, packets/data is combined

into a single data stream, TDM network, (col. 1, line 40 thru col. 3, line 42, plurality

memory/buffer, switch consist of fabrics, fragments/portions of data is sent to each

fabric, ATM blade segments frame to cells, (col. 17, line 14 thru col. 19, line 25)

existence of multiple queues used to store packets, packet length/boundary is stored for

MC packets. Therefore it would have been obvious to one of ordinary skill in the art at

the time of the invention to be motivated to implement determining placing portions of

data in memory and determining packet boundaries/size/length stored in buffers as

taught by the combined teachings of De Moer and Bianchini with the teachings of

Sandstrom for the purpose of further managing a capacity conscious communication

system as to eliminate/minimize congestion and identify concatenated data.

Regarding claims 10 and 11, as indicated above, De Moer discloses (Abstract, col. 3, line 34 thru col. 5, line 27) data transmission in a TDM SONET optical ring system, concatenated data is associated with size of data blocks wherein the architecture includes portions of concatenated packet data/payload is transmitted and stored in memory/buffer. De Moer further discloses transmission of various size data blocks with respect to inter-ring and intra-ring (col. 6, line 33 thru col. 8, line 67) protection switch allows data from external rings access to storage/memory in case of device/system failure.

Allowable Subject Matter

5.   Claims 8, 16 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6.   The following is a statement of reasons for the indication of allowable subject matter: Although the cited prior art teaches dynamic adjustment of capacity with respect to TDM SDH/SONET connections wherein the architecture includes SONET rings, communicating SONET frames, packet source buffers for different traffic priority classes, concatenated packets/payloads, packet length (boundary) corresponding to SONET frame is provided, data transmission in a TDM SONET optical ring system, concatenated data is associated with size of data blocks wherein the architecture includes portions of concatenated packet data/payload is transmitted and stored in memory/buffer, a switching network used for switching packet data whereby the architecture includes APS a SONET/SDH redundancy standard, packets/data is

combined into a single data stream, TDM network, plurality memory/buffer, switch

consist of fabrics, fragments/portions of data is sent to each fabric, ATM blade

segments frame to cells, existence of multiple queues used to store packets, packet

length/boundary is stored for MC packets they fail to teach/suggest packets

concatenated within locations in the TDM SONET signal not occupying TDM data traffic.
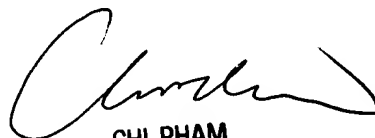

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Prenell P. Jones whose telephone number is 703-305-

0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

July 17, 2004

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 7/20/04